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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,679	09/30/2005	Seung-Hoon Moon	N&N-104US	8314
23122	7590	09/10/2007		
RATNERPRESTIA			EXAMINER	
P O BOX 980			MITCHELL, NATHAN A	
VALLEY FORGE, PA 19482-0980				
			ART UNIT	PAPER NUMBER
			2609	
			MAIL DATE	DELIVERY MODE
			09/10/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/524,679

**Applicant(s)**

MOON ET AL.

**Examiner**

Nathan Mitchell

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 2/15/2005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Specification*

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### *Claim Objections*

2. Claims 19 is objected to because of the following informalities:

In claim 19, it is suggested to change "the multimedia file provider server" to – a multimedia file provider server--.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

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claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-3, 10, 12, 13, 21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2002/0035692 A1 to Moriai in view of U.S. Patent Application Publication No. 2006/0136773 A1 to Kespohl et al.

For claims 1-3 and 10, Moriai teach a method for providing multimedia service in a mobile terminal (fig. 1 100) comprising the steps of:

(a) generating (paragraph 53 line 6) and storing a package data (paragraph 53 lines 8-10) and a predetermined multimedia file (paragraph 53 line 7); and

(b) downloading the package data (paragraph 52 line 2) according to a previously set condition (paragraph 52 line 3 "requesting a data distribution" it is inherent that this condition is preset otherwise there would be no way to obtain the content) to the mobile terminal through a communication network (fig. 1 element 20).

Wherein the previously set condition is to receive a download requesting message of the multimedia file from the mobile terminal (paragraph 52 line 3 "requesting a data distribution" can be considered to be a download requesting message).

For **claims 1-3 and 10**, Moriai discloses all the subject matter of the claimed invention with the exception of the content being subject to a stored execution condition as recited in claim

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1, the content being executing if the condition is satisfied as recited in claim 2 and the execution condition being a key signal as recited in claim 3.

Starting multimedia files (audio or video) subject to an execution condition is well known in the art and applied in numerous instances in a broad range of consumer electronic devices. For example, in a related field of endeavor, Kespohl et al. teach a mobile communication device including a music player, wherein a music file is executed (paragraph 60 lines 7-9) through the use of a key signal (inherent this would be coming from fig. 2 100). It is inherent that the device has an execution condition stored otherwise the music file would be no be able to be executed. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the method as taught to include the use of an execution condition as taught by Kespohl et al. to execute the multimedia file. The motivation for doing so is to allow the user to execute the file.

**Claim 21** is rejected for the same reason as claim 3.

Regarding **claim 24**, the modification to arrive at claim 21 included a key signal coming from what can be considered a special key (element 100).

For claim 12, Moriai discloses a method for providing multimedia services in a mobile terminal comprising the steps of:

(a) generating (paragraph 53 line 6) and storing a package data (paragraph 53 lines 8-10) and a predetermined multimedia file (paragraph 53 line 7); and

(b) downloading the package data (paragraph 52 line 2) according to a previously set condition (paragraph 52 line 3 "requesting a data distribution" it is inherent that this condition is preset otherwise there would be no way to obtain the content) to the mobile terminal through a

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communication network (fig. 1 element 20) and storing the package data in the memory part of the mobile terminal (fig. 7 110 and see column 5 lines 18-20).

For **claim 12**, Moriai discloses all the subject matter of the claimed invention with the exception of the file having an execution condition being set, the file being selected according to the execution and executing the multimedia file according to the execution condition if the execution condition is satisfied in the mobile terminal receiving the package data.

Selecting and starting multimedia files (audio or video) subject to an execution condition is well known in the art and applied in numerous instances in a broad range of consumer electronic devices. For example, in a related field of endeavor, Kespohl et al. teach a mobile communication device including a music player, wherein a music file is executed (paragraph 60 lines 7-9) through a selection made through the use of a key signal (inherent this would be coming from fig. 2 100). It is inherent that the device has an execution condition stored otherwise the music file would be no be able to be executed. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the method as taught to include the use of an execution condition as taught by Kespohl et al. to execute the multimedia file. The motivation for doing so is to allow the user to execute the file.

Regarding **claim 13**, Moriai disclosed the multimedia data including at least one of video, audio and text (audio specifically see fig. 7 1216 and paragraph 28 line 5).

7. Claims 4, 16 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moriai in view of Kespohl et al. as applied to claim 3, 12 and 21 above, and further in view of "Changing Faces – The Ericsson A2618s(Part 1/2)" to Lim.

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For **claim 4**, Moriai as modified by Kespohl et al. do not teach the key signal being one of a starting key signal, call receiving signal, call sending signal, an ending key signal, or an internet connecting key signal.

Lim discloses in a review of the Ericsson A2618 that the phone possessed start up and shutdown music and graphics (paragraph 4 lines 3-4) that were customizable by the user (paragraph 4 line 3). Inherently a starting key signal or ending key signal would trigger these multimedia displays. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of the Ericsson A2618 with those of Moriai as modified by Kespohl et al. One skilled in the could easily allow for downloaded multimedia files to be selected as startup/shutdown files as taught by the Ericsson A2618. The motivation for doing so is an improved experience for the user.

**Claim 16** is rejected for the same reason as claim 4.

**Claim 22** is rejected for the same reason as claim 4.

8. Claims 5, 6, 17 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moriai in view of Kespohl et al. as applied to claim 3, 12 and 21 above, and further in view of U.S. Patent No. 5,243,123 to Chaya.

Regarding **claim 5**, it is well known in the art for numeral keys to be used to serve multiple purposes such as to start the playing of a multimedia file. For example, Chaya teaches a music player that reproduces music based on a key signal coming from a numeric keypad (column 3 lines 35-37). It would have been obvious to one of ordinary skill at the time of invention to combine this teaching with the system of Moriai as modified by Kespohl et al. This could easily be done in the software of the mobile so as to allow the user to input a number

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corresponding to the multimedia file they wish to play. The motivation for doing so is to allow the user to directly input the file they wish to listen to.

Regarding **claim 6**, the modification to arrive at claim 3 included a key signal coming from what can be considered a special key (element 100).

**Claim 17** is rejected for the same reason as claims 5 and 6.

**Claim 23** is rejected for the same reason as claim 5.

9. Claims 7 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moriai in view of Kespohl et al. as applied to claim 1 above, and further in view of U.S. Patent No. 6,779,115 B1 to Naim.

For **claim 7**, Moriai as modified by Kespohl et al. does not disclose storing the execution condition and the multimedia file as one file.

In a related field of endeavor, Naim discloses a content distribution system, wherein content data includes an expiration date (column 9 lines 53-58). An expiration date can be considered to be an execution condition as it restricts the manner in which the user can execute the content. It would have been obvious to one of ordinary skill at the time of invention to include an expiration date in multimedia files as taught by Naim. One skilled in the art could easily modify the mobile terminal by setting the execution condition on the mobile (to delete expired files). Only unexpired files can be selected and thus any selection is in accord with the execution condition. One skilled in art could also easily modify the distribution server to include the execution condition in the package data sent to the mobile terminal. The motivation for doing this is to provide a variety of choices to consumers (i.e. as Naim describes in column 9 lines 55-56 this is in effect pricing tiers).



For **claim 11**, neither Moriai nor Kespohl et al. described the multimedia file containing video and audio data. In a related field of endeavor, Naim discloses a content distribution system that includes provisions for transferring video (column 13 lines 31-32). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate this feature into a content distribution system. One skilled in the art could easily modify the system of Moriai as modified by Kespohl et al. to work with video (images+audio). The motivation for doing this is to diversify services offered to users.

10. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moriai in view of Naim.

For claim 18, Moriai teaches an apparatus for providing multimedia service in a mobile terminal comprising:

A package data generating part for generating a package data including a predetermined multimedia file (according to paragraph 84 lines 2-3 the distribution server holds content data—it is inherent that this data comes from somewhere thus it is inherent that the system has a package data generating part); and

A package data managing part (fig. 6 304 in associated with 310 and 350) for storing the package data (paragraph 84 lines 2-3) generated from the package data generating part and for transmitting the package data (accomplished through fig. 6 350) to the mobile terminal according to a predetermined condition (paragraph 52 lines 2-3—cell phone user 1 requesting a data distribution).

For **claim 18**, Moriai discloses all the subject matter of the claimed invention with the exception of the package data including an execution condition. In a related field of endeavor,

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Naim discloses a content distribution system, wherein content data includes an expiration date (column 9 lines 53-58). An expiration date can be considered to be an execution condition as it restricts the manner in which the user can execute the content. It would have been obvious to one of ordinary skill at the time of invention to include an expiration date in multimedia files as taught by Naim. One skilled in the art could easily modify the distribution server to include a part that would allow the inclusion of expiration dates on files. The motivation for doing this is to provide a variety of choices to consumers (i.e. as Naim describes in column 9 lines 55-56 this is in effect pricing tiers).

For **claim 19**, element 304 of fig. 6 can be considered to be a database managing module for storing the multimedia file. Furthermore, the module can be modified as taught by Naim to further serve as a package data generating module as it is well known in the art to modify content data to include an expiration date. Furthermore, it is inherent that databases store files through classified items, i.e. fields.

For claim 19, Moriai as modified by Naim discloses all the subject matter of the claimed invention with the exception of the multimedia file provider server transmitting files to the apparatus.

Official notice is taken that it is well known in the art for a hierarchy to exist in content distribution services wherein the content is received from a higher level provider. Thus it would have been obvious to one of ordinary skill in the art at the time of invention to arrange the network in such a configuration so as to receive the multimedia files from a central server. One skilled in the art could easily modify the system of Moriai to receive the files from a central server (if it does not already). The motivation for doing so is to allow central distribution of files.

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Regarding **claim 20**, further consideration of Moriai leads to a package data managing part comprising:

A user information managing module (302) for managing a plurality of mobile terminals provided with multimedia services;

A storing module (304) for storing a package data generated from the package data generating part; and

A transmitting module (310 and 350) for transmitting the package data to the mobile terminal if the mobile terminal request the package data (paragraph 52 line 3) to be downloaded or if the latest downloading information passes a certain time when searching the downloading information.

11. Claims 8, 9, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moriai in view of Kespohl et al. as applied to claims 1 and 13 above, and further in view of U.S. Patent Application Publication 2005/0064849 A1 to Coppinger et al.

Note: simple merged file is not a standard term in the art and will be interpreted to mean uncompressed.

For **claims 8 and 9**, Moriai and Kespohl et al. are silent on whether compression is used. In a related field of endeavor, Coppinger et al. disclose content being distributed (paragraph 40 lines 13-14) from a wireless gateway server (paragraph 40 line 1) to a wireless communication device in either compressed or uncompressed form (paragraph 40 line 14) depending on the situation. It would have been obvious to one of ordinary skill in the art at the time of invention to vary the use of compression depending on the situation. These changes could easily be implemented through a compression module by one skilled in the art. The motivation for doing

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so is the same as Coppinger et al.: either efficiency (transmission capacity) or reliability (less compression=more reliable) (paragraph 40 line 15).

**Claims 14 and 15** are rejected for the same reasons as claims 8 and 9.

12. Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moriai, Kespohl et al. and Naim as applied to claim 7 above, and further in view of Coppinger et al.

Note: simple merged file is not a standard term in the art and will be interpreted to mean uncompressed.

For **claims 25-26**, Moriai and Kespohl et al. are silent on whether compression is used. In a related field of endeavor, Coppinger et al. disclose content being distributed (paragraph 40 lines 13-14) from a wireless gateway server (paragraph 40 line 1) to a wireless communication device in either compressed or uncompressed form (paragraph 40 line 14) depending on the situation. It would have been obvious to one of ordinary skill in the art at the time of invention to vary the use of compression depending on the situation. These changes could easily be implemented through a compression module by one skilled in the art. The motivation for doing so is the same as Coppinger et al.: either efficiency (transmission capacity) or reliability (less compression=more reliable) (paragraph 40 line 15).

### *Conclusion*

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Document Number Country Code- Number-Kind Code	Date MM- YYYY	Name	Classification
US-2002/0173294 A1	11-2002	Nemeth et al.	455/412
US-2003/0004983 A1	01-2003	Cohen, Gerald I.	707/500
US-2003/0153265 A1	08-2003	Hunt, Simon	455/3.06
US-2003/0224770 A1	12-2003	Reinholdsson et al.	455/418

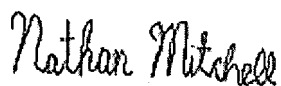
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US-6,772,209 B1	08-2004	Chernock et al.	709/225
US-2004/0203385 A1	10-2004	Narayanan et al.	455/041.2
US-7,016,970 B2	03-2006	Harumoto et al.	709/233
US-7,107,045 B1	09-2006	Knoop, Dale	455/414.1
US-7,149,541 B2	12-2006	Rautila, Heikki	455/552.1
US-7,254,415 B2	08-2007	Okamura, Haruhiko	455/556.1

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Mitchell whose telephone number is (571)270-3117. The examiner can normally be reached on Monday through Friday 7:30 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dang Ton can be reached on (571)272-3171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Nathan Mitchell/nam



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